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6 **Attorneys For Defendant TYSON FOODS, INC.**

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 EILEEN EPSTEIN, individually and on behalf) Civil Action No. CV-08-2800 MMC
13 of all others similarly situated,)
14 Plaintiffs,) CLASS ACTION
15 v.) **STIPULATION AND ~~PROPOSED~~**
16 TYSON FOODS, INC., a Delaware) **SCHEDULING ORDER**
17 corporation,)
18 Defendant.)
19 _____)

STIPULATION

WHEREAS, on June 8, 2008, plaintiffs filed a Class Action Complaint in this action;

WHEREAS, on June 13, 2008, plaintiffs served Defendant with the complaint, thus setting July 3, 2008 as the last day for Defendant to file a responsive pleading to the complaint, *see* Fed. R. Civ. P. 12;

WHEREAS, because of the complexity of the factual and legal issues presented in the complaint, Defendant needs additional time beyond July 3, 2008 to investigate properly the allegations made in the complaint and prepare an appropriate responsive pleading;

WHEREAS, the parties have met and conferred regarding Defendant's request to extend the time to file a responsive pleading to the complaint to July 25, 2008, and counsel for plaintiffs stipulates to the extension proposed herein;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, subject to approval of the Court, that the last day for Defendant to file a responsive pleading to the complaint is July 25, 2008.

Respectfully submitted,

Dated: July 1, 2008

SIDLEY AUSTIN LLP

By: /s/ Timothy T. Scott

Timothy T. Scott

Attorneys For Defendant Tyson Foods, Inc.

Dated: July 1, 2008

GIRARD GIBBS LLP

By: /s/ Eric H. Gibbs

Eric H. Gibbs

Attorneys for Plaintiff Eileen Epstein

~~PROPOSED~~ ORDER

Upon stipulation of the parties, and good cause appearing, the last day for Defendant to file a responsive pleading to the complaint is July 25, 2008.

IT IS SO ORDERED.

Dated: July 2, 2008



THE HONORABLE MAXINE M. CHESNEY
United States District Judge